(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 38 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : N. A. BRITTO, J.

DATE : 29TH JULY, 2004

P.C.:

Perused the Report submitted by the learned Special Judge, N.D.P.S. Court, Mapusa. The grievance of the petitioner/Accused No.2 in Sessions case No.15/1991 is regarding the return of the stereo (MO.8) to him. However, it appears from the report of the Special Judge, N.D.P.S. Court that the said MO.8 was ordered to be returned to the accused no.1 in the said Sessions Case, who is the brother of accused no.2, by virtue of the order passed by the learned Special Judge, Mapusa, which order subsequently was the subject matter of appeal filed by the said accused before this Court and in which appeal the order

of the trial Court was only modified. The learned Special Judge has also informed that the petitioner/accused No.2's application dated 9.3.2002 was dismissed and the petitioner was accordingly informed through the Superintendent, Central Jail, Aguada. It appears that the petitioner at no time challenged the judgment/order dated 29.4.1999 passed by the learned Special Judge, Mapusa, ordering the return of the said stereo (MO.8) to accused No.1 Pradip. Being so, in my opinion, this is not a fit case to exercise jurisdiction either under Art.227 or for that matter under Section 482 Cr.P.C.

The Criminal Writ Petition No.38/2004 is therefore hereby rejected in limine. Petitioner be informed through the Superintendent, Central Jail, Aguada.

sl. N.A. BRITTO, J.